

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESLAM HASSAN,

Plaintiff,

-v-

CAPTAIN JOHN DOE et al.,

Defendants.

18 Civ. 11194 (JPC) (OTW)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

JOHN P. CRONAN, United States District Judge:

Plaintiff Eslam Hassan brings this action pursuant to 42 U.S.C. § 1983 alleging that Defendants violated his civil rights. Dkt. 2. On March 6, 2020, Defendants filed a Motion to Dismiss. Dkt. 62. By Order dated March 1, 2021, the Honorable Ona T. Wang, to whom this case has been referred for general supervision of pretrial proceedings, issued a Report and Recommendation, recommending that the case be dismissed for failure to prosecute and that Defendants' Motion to Dismiss be denied a moot. Dkt. 71.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge" in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge's disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).


The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service

of the Report and Recommendation to file any objections, and warned that failure to timely file objections would result in waiver of any right to object. Dkt. 71 at 2. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court adopts the Report and Recommendation in its entirety. The Clerk of the Court is respectfully directed to terminate all pending motions, close this case, and mail a copy of this Order to Plaintiff at the address listed on the docket and to Plaintiff c/o Blake Avenue Shelter, 1000 Blake Avenue, Brooklyn, NY 11208.

SO ORDERED.

Dated: March 24, 2021
New York, New York



JOHN P. CRONAN
United States District Judge